

ers; providing for the working of county convicts upon the public roads, bridges and streets; providing for the amount of credit he shall receive for such work and providing for commutation of sentence of faithful service and providing for the hiring of county convicts to individuals of the county for either public or private employment; defining the powers and duties of road overseers and placing them directly under the jurisdiction and control of said road commissioners; providing a penalty for the obstruction of drainways or ditches on public roads; providing that said county may assist in financing for improvement and maintenance of streets in cities and incorporated towns in the county and making this Act cumulative of the General Laws now in force and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom referred

H. B. No. 636, A bill to be entitled "An Act to create Road District Number Seven (7), in Shelby County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated February 9, 1920, and numbered forty-six to one hundred (46 to 100), inclusive, totaling twenty-seven thousand five hundred (\$27,500.00) dollars, of five hundred dollars each, providing for their payment by the annual levy and assessment of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said designated road district bonds and taxes, or certified copies thereof and constituting such orders legal evidence; evidencing, proof of publication of constitutional notice required in such Acts, and declaring an emergency"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 228, A bill to be entitled "An Act to amend Article 5125 of the Revised Civil Statutes of Texas, for 1925, so that all male persons, regardless of color, under the age of seventeen (17) years, who shall be lawfully committed to the State Juvenile Training School as a delinquent child, shall be received as inmates of said training school; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

### THIRTY-EIGHTH DAY.

Senate Chamber,

Austin, Texas,

Thursday March 10, 1927.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Miller.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bowers.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Wood:

S. B. No. 482, A bill to be entitled "An Act to make an appropriation of the sum of twenty-five thousand dollars, or so much thereof as may be necessary, payable out of the general revenue of the State of Texas, not otherwise appropriated to supplement an appropriation heretofore made to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Fortieth Legislature of the State of Texas, and to pay the contingent expenses of the Regular Session of the Fortieth Legislature of the State of Texas, and providing for the approval of accounts, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 484, A bill to be entitled "An Act to amend Title 67, Chapter 3 of the Revised Civil Statutes of 1925, and to provide that any county, city or town, authorized by Title 118 of the Revised Civil Statutes of 1925 to construct, extend, protect, strengthen, maintain, keep in repair, and otherwise improve any seawall or breakwater, levee, dike, floodway, and drainway may take any marl, gravel, sand or mudshell from any of the waters, reefs or bars included in Title 67, Chapter 3, Revised Civil Statutes of 1925 for use in any such work without payment therefor by such county, city or town to the Game, Fish and Oyster Commissioner, or to the State of Texas, and providing an emergency."

Read and referred to the Committee on State Affairs.

**Resolution Introduced.**

By Senators Wood and Hall:

S. J. R. No. 33, A joint resolution "Proposing an amendment to the Constitution of the State of Texas

removing from the Constitution all limitations as to the amount of compensation and expenses of said officers to be as provided by law, and fixing the compensation of the Governor, and providing that said amendment shall be effective on and after January 1, 1929, and not sooner."

Read first time and referred to Committee on Constitutional Amendments.

**Simple Resolution No. 82.**

Senator Moore sent up the following resolution:

Whereas, the name of N. D. Ready was sent the Governor for appointment as notary public for Collin County, Texas, and

Whereas, Mr. Ready initials were incorrectly reported as W. D., instead of N. D.,

Therefore, be it resolved, that the records of the Senate and of the Secretary of State's office be and the same are hereby corrected, showing the name to appear as N. D. Ready instead of W. D. Ready.

The resolution was read and adopted.

**Simple Resolution No. 83.**

Senator Wood sent up the following resolution:

Whereas, the curtains and shades in the Lieutenant-Governor's Quarters in the State Capitol are old and worn out and should be replaced with new ones and other furnishings needed;

Now, therefore, be it resolved that the Chairman of the Contingent Expense Committee of the Senate be and he is hereby directed to purchase new curtains and other furnishings for the Lieutenant-Governor's quarters, as in his opinion are desirable; and that the cost of such curtains and other furnishings be paid out of the Contingent Fund of the Fortieth Legislature.

The resolution was read and adopted.

**S. C. R. No. 33.**

Senator Love sent up the following resolution:

Whereas, the Senate of the United States on January 25, 1927, by a vote of 79 to 0 adopted a resolution by Senator Robinson, Democratic Floor Leader of the United States Senate, urging the President of the

United States, the Hon. Calvin Coolidge, "to submit to an arbitral tribunal, which shall apply the principles of international law, the controversies with Mexico relating to the alleged confiscation or impairment of the property of American citizens and corporations in Mexico; the arbitration agreement to provide for the protection of all American rights pending the final outcome of the arbitration;" and

Whereas, in a message to our National Congress on January 22, 1917, the peerless and lamented Democratic President, Woodrow Wilson, proposed that "the nations should with one accord adopt the doctrine..... that no nation should seek to extend its policy over any other nation or people, but that every people should be left free to determine its own policy, unhindered, unthreatened, unafraid, the little along with the great and powerful;" now, therefore:

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, that the Legislature of the State of Texas endorses the afore-mentioned Robinson Resolution favoring the arbitration of the disputes between the Government of the United States and that of Mexico, which resolution was approved by our National Senate on January 25, 1927, by a vote of 79 to 0; and

That the Legislature of the State of Texas endorses with respect to all nations the afore-mentioned policy laid down by the lamented Woodrow Wilson, in his message to our National Congress on January 22, 1917, which policy is that "the nations should with one accord adopt the doctrine..... that no nation should seek to extend its policy over any other nation or people, but that every people should be free to determine its own policy, unhindered, unthreatened, unafraid, the little along with the great and powerful."

The resolution was read and laid on the table subject to call.

#### Messages from the House.

The Chair recognized the Door-keeper, who introduced a Messenger from the House with the following Messages:

Hall of the House of Representatives  
Austin Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has failed to pass:

H. B. No. 226, A bill to be entitled "An Act to amend Article 2902, Revised Statutes, 1925, reducing the free school age to six years."

Amend by striking out the enacting clause.

H. B. No. 305, A bill to be entitled "An Act to prevent members of the Senate or House of Representatives of this State during the term for which he was elected, or the wife or husband, son or daughter of any Governor of the State of Texas, or the head of any department, institution or board of the State of Texas, while serving as such, directly or indirectly, to accept money or other thing of value, or the promise thereof, or any position, office, or reward or the promise thereof, or any service, reward or benefit, or the promise thereof, as compensation, inducement or reward to such Senator or Representatives, or other party above named, to appear before, make argument to, representing any person before, or influence the head or any member of any department, agent, officer or employe of the State government for whom or for which any appropriation is made by the Legislature of the State of Texas; defining the necessary offense and providing a penalty for violation of the Act, and providing for removal from office for violation of the Act; and declaring an emergency."

Failed to engross.

H. B. No. 333, A bill to be entitled "An Act to amend Article 2688 of the Revised Civil Statutes of Texas, so as to provide for the election of a county superintendent on the first Saturday in April, 1929, and every two years thereafter; prescribing who shall vote at said election; providing for continuance in office of all county superintendents who now hold office; providing what voters shall determine whether there shall be a county superintendent in counties with less than three thousand scholastics, and who shall vote for county superintendent in such counties; changing the time for holding office of a county superintendent ap-

pointed by commissioners' court; providing for filling vacancies in the office of county superintendents; providing for the election of superintendents in counties having less than three thousand scholastics, and declaring an emergency."

Respectfully submitted,  
M. LOUISE SNOW, Chief Clerk,  
House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 242, A bill to be entitled "An Act providing for the regulation of automobile insurance by the Commissioner of Insurance; providing a penalty for the violation of the provisions thereof, and declaring an emergency."

With amendments.

H. B. No. 525, A bill to be entitled "An Act to provide for the fixing of the salary of the Secretary of the Railroad Commission of Texas by the Appropriations Committee from time to time, as the salaries of other State employes are fixed; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 396, A bill to be entitled "An Act to amend Article 1302, Revised Statutes of 1925, Subdivision 54 thereof, authorizing the incorporation of clearing houses; providing for the maintenance of suitable rooms for the conduct of the business of such associations; authorizing the establishment and maintenance of uniformity in commercial usages among the members thereof; prescribing the type of banking corporations that may become members of such associations; authorizing the acquisition, preservation and dissemination and exchange between the members of such associations, or by the members of such associations, through said associations, of valuable business information upon the borrowers from such members, and upon the customers of the members of such associations; authorizing the adoption of rules, regulations and standards of conduct governing the members of such associations; authorizing the employment of clearing house examiners and assistants,

and the prescribing of their duties; authorizing the adoption of rules and regulations by the members of such associations governing the admission of members to such associations and their expulsion therefrom; authorizing the joining with other clearing house associations in the joint employment of clearing house examiners and the maintenance of a system of clearing house examinations of the members of such associations; and the authorizing, adoption, promulgation and establishment of such rules and regulations as will, in the judgment of the members of such associations, contribute to the safety and solvency of the members of such associations, and the protection of the depositors of such members of such associations, and for other purposes, and declaring an emergency."

S. B. No. 315, A bill to be entitled "An Act to provide an additional salary of two thousand dollars each per annum to the members of the Railroad Commission of Texas to be paid out of the fund created under Article 6032 of the Revised Civil Statutes of the State of Texas, and one thousand five hundred dollars each per annum to be paid out of the fund created under Article 6060 of the Revised Civil Statutes of the State of Texas, etc., and declaring an emergency."

S. B. No. 159, A bill to be entitled "An Act making an emergency and supplementary appropriation out of the General Revenues of the State to be used by the Live Stock Sanitary Commission of Texas in the eradication and control of contagious, infectious and communicable diseases of livestock, etc., and declaring an emergency."

S. B. No. 311, A bill to be entitled "An Act to repeal sub-division 1, Article 3883, Chapter 1, Title 61, of the Revised Civil Statutes of 1925, and to amend Article 3900, Chapter 1, Title 61, of the Revised Civil Statutes of 1925, so as to provide that certain officers in counties having a population of twenty-five thousand, or less, inhabitants, according to the last preceding United States Census, shall be exempt from the provisions of Article 3891, 3896 and 3897, Chapter 1, Title 61, of the Revised Civil Statutes of 1925; and declaring an emergency."

With amendments.

S. B. No. 239, A bill to be entitled "An Act to provide for the care of delinquent colored girls; providing for the establishment and maintenance of a State training school for such girls; providing for its location, control and management; authorizing the raising of funds for such purpose and making appropriations to carry out, the purposes of the Act; providing for and authorizing donations from private sources and from counties and cities for such school and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW, Chief Clerk,  
House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on S. B. No. 7, by a vote of 104 yeas and 5 nays.

The House has refused to concur in Senate Amendments to H. B. No. 50 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

BECK,  
MCCOMBS,  
MORSE,  
CUMMINGS,  
MINOR.

Respectfully submitted,

M. LOUISE SNOW, Chief Clerk,  
House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 460, A bill to be entitled "An Act providing that every person registering a motor vehicle, tractor, trailer, semi-trailer, or motorcycle, used on the public highways of this State, shall accompany his application for registration with a statement upon oath or affirmation, signed by the applicant, that such motor vehicle, tractor, trailer, semi-trailer, or motorcycle, was rendered for taxation for the preceding year,

or that said vehicle was not liable for taxation during said preceding year, or that said vehicle was not owned in whole or in part by the applicant during said preceding year, and providing for the payment of the tax upon said vehicle for the preceding year in lieu of such statement; providing for the administration of said oath or affirmation by the tax collector, and providing a penalty for any misrepresentation made in said statement, and declaring an emergency."

H. B. No. 613, A bill to be entitled "An Act to amend Articles 1111, 1112 and 1113 of the Revised Civil Statutes of Texas, pertaining to the encumbrance of lighting and water systems and income thereof by cities and towns to secure payment of funds for the purchase or improvement thereof, including therein the power to encumber sewer systems and the income thereof for said purposes, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW, Chief Clerk,  
House of Representatives.

#### Senate Bill No. 482.

On motion of Senator Wood the regular order of business was suspended, and the Senate took up, out of its order, Senate Bill No. 482.

By Senator Wood:

S. B. No. 482, A bill to be entitled "An Act to make an appropriation of the sum of twenty-five thousand dollars, or so much thereof as may be necessary, payable out of the General Revenue of the State of Texas, not otherwise appropriated to supplement an appropriation heretofore made to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Fortieth Legislature of the State of Texas, and to pay the contingent expenses of the Regular Session of the Fortieth Legislature of the State of Texas, and providing for the approval of accounts, and declaring an emergency."

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 482 was put on its second reading and final passage, by the following vote:

## Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

## Absent.

Miller.

The bill was read second time.

The Senate rule requiring committee reports to lay over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 482 was put on its third reading and final passage, by the following vote:

## Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

## Absent.

Miller.

The bill was read third time and passed finally, by the following vote:

## Yeas—30.

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Fairchild.	Lewis.
Floyd.	Love.

McFarlane.
Moore.
Neal.
Parr.
Pollard.
Price.
Real.
Reid.
Russek.

Smith.
Stuart.
Triplett.
Ward.
Westbrook.
Wirtz.
Witt.
Wood.
Woodward.

## Absent.

Miller.

## House Concurrent Resolution No. 29.

Senator Greer called from the table the following resolution:

H. C. R. No. 29, Providing for sine die adjournment on Wednesday, March 16, 1927.

The resolution was read.

Senator Smith moved to lay the resolution on the table subject to call.

Senator Love sent up the following amendment:

## Amendment No. 1, H. C. R. No. 29.

H. C. R. No. 29 as amended:

Amend the resolution by striking out the words, "Wednesday" and "16th" and inserting in lieu thereof the words "Saturday" and "19th."

Senator Floyd sent up the following amendment to the amendment:

Amendment No. 1 to Amendment No. 1 to H. C. R. No. 29 as amended.

Amend the amendment by striking out the word "Saturday" and in lieu thereof the word "Friday."

Senator Bowers moved to table the amendment, the amendment to the amendment, and the motion to lay on the table subject to call.

The motion to table prevailed by the following vote:

## Yeas—20.

Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Real.
Greer.	Russek.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
McFarlane.	Wirtz.
Moore.	Woodward.

## Nays—9.

Bailey.	Reid.
Berkeley.	Smith.
Floyd.	Witt.
Love.	Wood.
Neal.	

## Absent.

Miller. Price.

The previous question was ordered.

The resolution was adopted by the following vote:

## Yeas—21.

Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Russek.
Floyd.	Stuart.
Greer.	Triplett.
Hall.	Ward.
Hardin.	Westbrook.
Holbrook.	Wirtz.
McFarlane.	Wood.
Moore.	Woodward.
Parr.	

## Nays—8.

Bailey.	Neal.
Berkeley.	Reid.
Lewis.	Smith.
Love.	Witt.

## Absent.

Miller. Price.

## House Bill No. 398.

The Chair laid before the Senate as pending business the following bill:

H. B. No. 398, A bill to be entitled "An Act to provide for the designing, purchase and installation of a memorial tablet in the Texas Memorial Stadium, commemorating the services of Texas men and women who served in the World War; providing for a committee to design, select and install the tablet herein provided for; making an appropriation for all expenses incident thereto, and declaring an emergency."

The bill was read.

The committee amendment was read.

Senator McFarlane moved to table the committee amendment. The motion to table prevailed.

The committee report that the bill be not printed was adopted.

The bill was passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 398 put on its third reading and final passage, by the following vote:

## Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally by the following vote:

## Yeas—26.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Reid.
Bowers.	Russek.
Fairchild.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

## Absent.

Floyd.	Price.
Hardin.	Real.
Neal.	

## House Joint Resolution No. 14.

The Chair laid before the Senate, on third reading the following resolution:

H. J. R. No. 14, Proposing ten amendments of the Constitution relating to public education: (1) Limiting terms of officers of school system to ten years; (2) providing for a State Board of Education; (3) providing for a State Board of Higher Education; (4) authorizing a county school tax not exceeding 50 cents; (5) authorizing issuance of anticipation warrants; (6) providing for distribution of State school funds as the Legislature may prescribe; (7) providing for the equalization of taxation; (8) repealing prohibition of appropriations to University for building purposes; (9) providing for stabilization of the available school fund; (10) fixing the date at which

terms of appointive officers shall begin."

The resolution was read third time and failed to pass by the following vote:

Yeas—16.

Berkeley.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Smith.
Hardin.	Stuart.
Lewis.	Westbrook.
Love.	Witt.
Neal.	Wood.

Nays—11.

Bailey.	Parr.
Bledsoe.	Russek.
Hall.	Triplett.
Holbrook.	Ward.
McFarlane.	Wirtz.
Miller.	

Absent.

Floyd.	Price.
Moore.	Woodward.

#### House Joint Resolution No. 15.

The Chair laid before the Senate on third reading, the following resolution:

H. J. R. No. 15, Proposing an amendment to Section 51, Article 3, of the Constitution, authorizing a tax levy for Confederate Soldiers, Sailors and their widows.

The resolution was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Reid.
Greer.	Russek.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	

Absent.

Fairchild.	Price.
Floyd.	Smith.
Moore.	Woodward.

#### House Joint Resolution No. 20.

The Chair laid before the Senate, on third reading, the following resolution:

H. J. R. No. 20, Proposing an amendment to Section 2, Article 8, of the Constitution of the State, so as to authorize the Legislature to exempt from taxation any property owned by a church, or by a strictly religious society devoted exclusively to use as a dwelling place for the ministry of such church or religious society, providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

The resolution passed finally by the following vote:

Yeas—23.

Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Smith.
Floyd.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Lewis.	Westbrook.
Love.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Nays—6.

Bailey.	Miller.
Greer.	Russek.
McFarlane.	Wirtz.

Absent.

Holbrook.	Price.
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#### Bills Signed.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 315.	H. B. No. 551.
S. B. No. 239.	H. B. No. 320.
S. B. No. 159.	H. C. R. No. 29.
S. B. No. 7.	H. J. R. No. 15.
H. B. No. 323.	

#### House Joint Resolution No. 25.

The Chair laid before the Senate, on third reading the following resolution:

H. J. R. No. 25, A joint resolution "Proposing to amend Article 8 of the Constitution by adding thereto Section 1a, providing that the sources of income derived from taxation may be divided, etc., in whole or in part, so that there may be a different source of taxation for the maintenance of the State government and the maintenance and expenses of the political division of the State; also that there may be different rates



of taxation and different classes of property; also that the State may make provision for the payment of interest and sinking fund charges on bonds where taxes have been remitted to pay such charges and where such remission of taxes may become insufficient to meet such charges."

#### Lieutenant Governor Miller Speaks.

With the unanimous consent of the Senate, the Chair, (Senator Wood, president pro-tem) recognized Lieutenant Governor Miller to speak on H. J. R. No. 25.

#### House Bills Read and Referred.

After their captions had been read, the Chair referred the following bills:

H. B. No. 396, read and referred to Committee on State Affairs.

H. B. No. 525, read and referred to Committee on State Affairs.

#### Message from the Governor.

The Chair recognized the door-keeper who introduced a messenger from the Governor with the following message:

Executive Department,

Austin, Texas, March 9, 1927.

To the Honorable Fortieth Legislature of the State of Texas:

Gentlemen: Upon an examination of Senate Bill No. 235, I am led to believe that the bill, if it should become a law, would permit a contractor doing the character of work mentioned in the bill under a contract with a county, city or town to take, without cost, marl, gravel, sand, shell or mudshell for use in such work, although the contract with the county, city or town required the contractor to furnish at his own expense such material. I feel certain that such a result was not within the contemplation of the author of the bill, but I believe that the result mentioned is possible under the present wording of the same. If the bill is so amended as to provide against the possibility above mentioned I would have no objection to approving it.

I am reluctant to exercise the veto power and believe it should be sparingly used, and then only when necessary. In its present condition I believe that Senate Bill No. 235 should be vetoed, and accordingly I

return it to you for the objections above stated.

Respectfully,  
DAN MOODY,  
Governor.

Recess.

On motion of Senator Pollard, the Senate at 12:15 o'clock recessed until 2 o'clock p. m.

#### After Recess.

The Senate was called to order at 2 o'clock p. m. by Lieutenant Governor Miller.

#### Free Conference Committee Report.

Senator Bailey received unanimous consent to send up the following Free Conference Committee Report:

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate; and Hon. R. L. Bobbitt, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed to consider and adjust the differences between the two Houses on

S. S. C. B. No. 7, A bill to be entitled

"An Act to amend Article 1728 of Chapter 3 of Title 37 of the Revised Civil Statutes of Texas of 1925, relating to and better defining and fixing the appellate jurisdiction of the Supreme Court of Texas, and declaring an emergency."

Having met and after a full and free conference have agreed to recommend and do recommend that the House recede from all of its amendments to said bill, and that said bill, as passed by the Senate and sent to the House, be adopted and passed without amendments, all of which is respectfully submitted.

BAILEY,  
WIRTZ,  
WOODWARD,  
BOWERS,  
PRICE,

On the part of the Senate.

RAWLINS,  
MCCOMBS,  
MINOR,  
FAULK,  
SINKS,

On the part of the House.

The report was read and adopted.

#### Free Conference Committee.

The Chair had read the following announcement:

Free Conference Committee on part of the Senate on H. B. No. 50: Stuart, Woodward, Moore, Wirtz, Real.

**Senate Bill No. 311.**

Senator Stuart moved that the Senate concur in the House amendments to S. B. No. 311.

Senator Bailey moved that the amendments be printed in the Journal. The motion prevailed.

Following are the amendments:

Amend S. B. No. 311 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 3891, Chapter 1, Title 61, of the Revised Civil Statutes of Texas 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 3891. Disposition of Fees. Each officer named in this Chapter shall first, out of the fees of his office, pay or be paid, the amount allowed him as his maximum annual fees, and such expenses as he may be entitled to under Article 3899 of this Chapter, together with the salaries of his assistants or deputies. If the fees of such office collected in any one year be more than the maximum annual fees and expenses which such officers is allowed to retain under the provisions of this Chapter, together with salaries of his assistants or deputies, the same shall be deemed excess fees. In addition to the maximum annual fees fixed in Article 3883, such officer shall also be authorized to retain as commissions three-fourths of all excess fees collected by him in any one year; provided the annual compensation of any county officer mentioned in this Article (which shall include all fees of office, commissions and all other compensations received by him, but which shall not include the salaries paid to his deputies or assistants, nor the expenses of office allowed him under the provisions of Article 3899 of this Chapter) shall never exceed five thousand dollars (\$5,000.00) in any one year. All excess fees collected during any fiscal year, after first deducting the commissions permitted by this Article to be retained by the officer collecting same, shall be by such officer paid into the county treasury of the county where the excess accrued, provided that in counties of less than twenty-five thousand inhabitants and which counties

constitute a separate judicial district, the chief deputy or first assistant of the officers named in this Chapter shall receive a salary not to exceed eighteen hundred dollars (\$1,800.00) per annum, and the other deputies or assistants a salary not to exceed fifteen hundred dollars (\$1,500.00) per annum, and the limitations as to the pay of deputies and assistants elsewhere provided in this Chapter shall not apply to such counties; and provided further that in counties of between 10,000 and 40,000 population, the commissioners' court may in its discretion authorize the sheriff to appoint one deputy to be paid eighteen hundred (\$1,800.00) dollars per year out of the general funds of the county if the fees of the sheriff's office are not sufficient therefor."

Sec. 2. That Article 3895, Chapter 1, Title 61, of the Revised Civil Statutes of Texas, 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 3895. Ex-Officio Services. The commissioners' court is hereby prohibited from allowing compensation for ex-officio services to any county officer, when the fees of such office amount to the maximum annual fees which officer is allowed to retain as provided for in Article 3883 of this Chapter. In case such fees of office shall not reach the maximum annual fees, which such officers are allowed to retain as provided for in Article 3883 of this Chapter, the commissioners' court shall allow compensation for ex-officio services when in their judgment such compensation is necessary; provided such compensation for ex-officio services shall not increase the compensation of such officer beyond the maximum fees he is allowed to retain under this Chapter."

Sec. 3. That Article 3900, Chapter 1, Title 61, of the Revised Civil Statutes of Texas, 1925, be, and the same is, hereby repealed.

Sec. 4. The fact that much confusion exists as to the amount of excess fees county officials named in Section 1, Article 3883, of the Revised Civil Statutes of 1925, are permitted to retain, and the further fact that such county officials are not now required to keep any account or make any report of the sums of money coming into their hands as fees of office and commissions or to

make any report as to the amount of fees collected, and retained or paid out by them, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act take effect and be in force from and after its passage and it is so enacted.

#### House Bills Read and Referred.

After their captions had been read, the Chair referred the following House Bills:

H. B. No. 460, referred to Committee on Highways and Motor Vehicles.

H. B. No. 613 referred to Committee on State Affairs.

#### House Joint Resolution No. 25.

The question recurred upon the final passage of H. J. R. No. 25.

#### Mrs. Pennybacker Speaks.

At 3 o'clock p. m. the Chair appointed Senator Bailey, Senator Neal and Senator Parr to conduct Mrs. Pennybacker to the platform.

The Chair introduced Senator Bailey who introduced Mrs. Pennybacker, who addressed the Senate.

#### Senate Bill No. 311.

Senator Price moved to concur in the House amendments to S. B. No. 311. The motion prevailed.

#### Simple Resolution No. 84.

Senator McFarlane received unanimous consent to send up the following resolution:

Whereas, There is now pending in the Senate legislation that is of tremendous importance; and,

Whereas, The Honorable Dan Moody, Governor of Texas, is within the bar of the Senate,

Therefore, Be It Resolved by the Senate that he be invited to address the Senate at this time.

The resolution was read and adopted unanimously.

#### Governor Moody Speaks.

The Chair introduced the Governor, who briefly addressed the Senate.

#### House Joint Resolution No. 25.

H. J. R. No. 25 passed finally by the following vote:

Yeas—27.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Triplett.
Hall.	Ward.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Lewis.	Witt.
Love.	Wood.
McFarlane.	Woodward.
Neal.	

Nays—3.

Miller.	Stuart.
Parr.	

Absent.

Moore.

#### Senate Bill No. 311.

On motion of Senator Price, the Senate voted to reconsider the vote by which the Senate concurred in the House amendments to S. B. No. 311.

The Senate concurred in the House amendments to S. B. No. 311 by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

#### House Bill No. 300.

On motion of Senator Bailey the regular order of business was suspended, and the Senate took up out of its order, the following bill:

H. B. No. 300, A bill to be entitled "An Act requiring uniform hose couplings and fire hydrant hose outlets in all cities and towns having public fire protection; setting forth specifications for uniform couplings and outlets; providing for carrying on the work of making all couplings and outlets uniform; making appropriation for salaries, traveling ex-

penses and all other expenses necessary for placing in effect the provisions of this Act; and declaring an emergency."

The bill was read third time and passed finally by the following vote:

Yeas—23.

Bailey.	Miller.
Berkeley.	Neal.
Bledsoe.	Parr.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	

Absent.

Bowers.	Real.
Moore.	Wirtz.
Pollard.	Wood.
Price.	Woodward.

#### House Bill No. 71.

Senator Fairchild called up the motion to reconsider the vote by which H. B. No. 71 was engrossed, and the Senate took up, out of its order, the following bill:

H. B. No. 71, A bill to be entitled "An Act to amend Chapter 172 of the General Laws of the Regular Session of the Thirty-ninth Legislature, Section 5, page 388 relating to the preservation and propagation of all wild animals, wild birds and wild fowls of this State, and amending Chapter Six of the Revised Criminal Statutes, Article 878, page 197 relating to division into zones for the time limits as to hunting game, making provisions for a change in boundary from Longview to Loraine on the Louisiana State line instead of from Longview to Texarkana; and declaring an emergency.

The vote by which the bill was ordered engrossed was reconsidered.

Senator Bowers sent up the following amendment:

Amend Committee Amendment No. 1, of H. B. 71, Section 1, as printed, page 4, line 1, as follows:

Strike out all after the word "Hondo", and add the following:

Thence to the point where the Southern Pacific Railroad crosses the I. & G. N. R. R. at or near San Antonio; thence following the center of the track of said I. & G. N. R. R. in an easterly direction, to the

point in the city of Austin, where it joins Congress Avenue, near the I. & G. N. R. R. depot; thence across said Congress Avenue to the center of the main track of the H. & T. C. R. R. where said track joins said Congress Avenue, at or near the H. & T. C. R. R. depot; thence following the center line of the track of said H. & T. C. R. R. in an easterly direction through the towns of Elgin, Giddings and Brenham, to the point where said railroad crosses the Brazos River; thence with the center of said Brazos River in a general northerly direction, to the point on said river where the Beaumont branch of the Santa Fe Railway, crosses the same; thence with the center of the track of said G. C. & S. F. Railway, in an easterly direction, through the towns of Navasota, Montgomery, and Conroe, to the point at or near Cleveland, where said G. C. & S. F. Ry. crosses the Houston, East & West Texas Railroad; thence with the center of said H. E. & W. T. Railroad track, to the point in said line, where it strikes the Louisiana line.

All that portion of the State lying north or northerly shall be known as the North Zone and all that portion of the State lying south or southerly of said line shall be known as the South Zone.

The amendment was read and adopted.

The bill was engrossed.

#### Free Conference Committee Report.

Senator Bledsoe received unanimous consent to send up the following free conference committee report.

Committee Room,

Austin, Texas, March 10, 1927.

Honorable Barry Miller, President of the Senate, and Honorable Robert Lee Bobbitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred

S. B. No. 25, A bill to be entitled "An Act fixing the salaries of judges of the Supreme Court, of the Court of Criminal Appeals, of the judges of the Commission of Appeals and of the Commission in aid of the Court of Criminal Appeals, and judges of the courts of Civil Appeals and district courts of this State, and declaring an emergency."

Have had the same under consideration and beg leave to report that

we have adjusted the differences between the House and the Senate on said bill and recommend that the House amendments be concurred in by the Senate and that said bill be finally passed as amended by the House.

On the part of the Senate.  
 BLEDSOE,  
 WITT,  
 WOODWARD,  
 PRICE,  
 STUART,

On the part of the House.  
 CUMMINGS,  
 STOREY,  
 TEER,  
 FARRAR,  
 PETSCH,

The resolution was read and adopted.

#### House Bill No. 7.

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 7, A bill to be entitled "An Act prohibiting the sale, offer for sale, and exposing for sale, within this State for human consumption, and the transportation and delivery to any common carrier for transport within this State, of diseased, immature, unripe, over-ripe or frost damaged oranges, lemons, grapefruit or other citrus fruits; or any oranges, the juice of which shall contain more than one and three-tenths per centum, by weight, of crystallized citric acid; or any grapefruit, the juice of which shall contain more than one and three-fourths per centum, by weight, of crystallized citric acid; or any misbranded citrus fruit; defining the offense of misbranding citrus fruit; prescribing the powers of the Commissioner of Agriculture with regard to the provisions of this Act; making his official certificate admissible in evidence in proof of certain facts; and fixing a penalty for violation of the provisions of this Act; and declaring an emergency."

The committee report carrying amendments was adopted.

The bill was passed to third reading.

#### House Bill No. 8.

The Chair laid before the Senate, on second reading the following bill:

C. S. H. B. No. 8, A bill to be entitled "An Act to amend Articles 2757 and 2758, Revised Civil Statutes of

Texas, of 1925, relating to the formation of independent school districts and the election of a board of trustees thereof, and declaring an emergency."

The bill was passed to third reading.

#### House Bill No. 13.

The Chair laid before the Senate, on second reading the following bill:

H. B. No. 13, A bill to be entitled "An Act amending Article 47 of the Penal Code of the State of Texas of 1925, so as to properly define the word "offense," the word "felony" and the word "misdemeanor," prescribing what is and is not a capital felony; and declaring an emergency."

The bill was passed to third reading.

#### Senate Bill No. 480.

On motion of Senator Hall the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 480, A bill to be entitled "An Act to amend Article 2767, Chapter 13, Title 49 of the Revised Civil Statutes of the State of Texas to 1925, so as to provide for abolishments of independent school districts, etc, and declaring an emergency."

The bill was read second time and committee report adopted and passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 480 put on its third reading and final passage, by the following vote:

Yeas—23.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Reid.
Bowers.	Russek.
Fairchild.	Smith.
Floyd.	Stuart.
Hall.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Neal.	

Absent.

Greer.	Price.
Hardin.	Real.
Holbrook.	Wirtz.
Moore.	Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—22.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Reid.
Fairchild.	Russek.
Greer.	Smith.
Hall.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Witt.
Neal.	Wood.

Absent.

Bailey.	Price.
Floyd.	Real.
Hardin.	Wirtz.
Holbrook.	Woodward.
Moore.	

#### Senate Bill No. 484.

On motion of Senator Holbrook the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 484, A bill to be entitled "An Act to amend Title 67, Chapter 3 of the Revised Civil Statutes of 1925, and to provide that any county or city authorized by Title 118 of the Revised Civil Statutes of 1925 to construct, extend, protect, strengthen, maintain, keep in repair, and otherwise improve any seawall or breakwater, levee, dike, floodway, and drainage may take any marl, gravel, sand or mudshell from any of the waters, reefs or bars included in the Revised Civil Statutes of 1925 for use in any such work without payment therefor by such county, city or town to the Game, Fish and Oyster Commission, or to the State of Texas, and declaring an emergency."

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 484 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Lewis.
Berkeley.	Love.
Bledsoe.	McFarlane.
Bowers.	Miller.
Fairchild.	Moore.
Floyd.	Neal.
Greer.	Parr.
Hall.	Pollard.
Hardin.	Price.
Holbrook.	Real.

Reid.  
Russek.  
Smith.  
Stuart.  
Triplett.  
Ward.

Westbrook.  
Wirtz.  
Witt.  
Wood.  
Woodward.

The bill was read second time.

The Senate rule requiring the committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted and the bill passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 484 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Fairchild.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Neal.	

Absent.

Floyd.	Real.
Hardin.	Wirtz.
Moore.	Woodward.

#### Senate Bill No. 470.

On motion of Senator Love, the regular order of business was suspended, and the Senate took up out of its order, the following bill:

S. B. No. 479, A bill to be entitled "An Act amending the local road law of Dallas County so as to better provide for construction, reconstruction and repair of dirt roads connecting with the pikes or hard surface roads in said county, etc., and declaring an emergency."

The bill was read second time.

The committee report carrying amendment was adopted.

The bill was passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 479 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Senate Bill No. 469.

On motion of Senator McFarlane, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 469, A bill to be entitled "An Act to fix the salary of the

superintendents of public instruction of each county in Texas having a population of not less than 60,000 nor more than 73,000 according to the last Federal Census; providing for office expenses; repealing all laws and parts of laws in conflict; and declaring an emergency."

The bill was read second time.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 469 put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wood.
Miller.	Woodward.
Neal.	

Absent.

Bailey.	Real.
Hardin.	Wirtz.
Moore.	Witt.

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Neal.	Woodward.

Absent.

Bailey.	Real.
Hardin.	Wirtz.
Moore.	

Messages from the House.

The Chair recognized the door-keeper, who introduced a messenger

from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 226, A bill to be entitled "An Act providing that any teacher holding a valid certificate classified as an 'Elementary Permanent Certificate' or 'High School Permanent Certificate' under Article 2885, Revised Civil Statutes of 1925, shall be authorized to teach any subject in any common school or high school in this State, which subject such teacher was required to pass in order to acquire such certificate; and authorizing such teacher to contract as teacher, principal, superintendent, or other position to which he or she may be assigned, by the trustees or other governing body for all grades or subjects covered by his or her certificate, and receive the pay authorized by law for the grades or subjects contracted to be taught; directing how such subjects shall be determined; and providing that no discrimination shall be made between certificates acquired by examination and those through attendance at teachers' colleges; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 303, A bill to be entitled "An Act to amend Article 3135 of the Revised Civil Statutes of 1925, relating to returns to be made by county clerks for district offices in districts composed of only one county, and repealing laws or parts of laws in conflict therewith."

H. B. No. 473, A bill to be entitled "An Act providing for the hiring out of prisoners convicted of a misdemeanor, and who have been committed to jail in default of payment of fine and costs adjudged against them; such hiring to be either by private contract or public auction; the requisites of the bond given by hirer payable to the county judge; defining the liabilities of hirer when convict escapes; suit on such bond, in the event of its breach; providing for full credit being given convict for labor; providing manner for keeping record of convict so hired; providing for payment of officer's costs, and declaring an emergency."

S. B. No. 222, A bill to be entitled "An Act granting to the Harris County Ship Channel Navigation District of Harris County, Texas, or its successors, and defining its successors, all right, title and interest of the State of Texas, to certain islands and lands subject to overflow, and lands lying under the waters of Peggy's Lake, San Jacinto Bay, Burnett Bay, Crystal Lake, Scott's Bay, Mitchel Bay, Black Duck Bay, the San Jacinto River and Buffalo Bayou and tributary waterways, within Harris County Navigation District as far as the State may own same, for public purposes and for the development of commerce only, and granting to the Navigation District and its successors other rights, etc., and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,  
Chief Clerk, House of Representatives,  
Hall of the House of Representatives,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House agrees to concur in Senate Amendments to H. J. R. No. 20.

Passed as substituted S. C. R. No. 31, providing for the adoption of a State song.

Respectfully submitted,

M. LOUISE SNOW,  
Chief Clerk, House of Representatives,  
Hall of the House of Representatives,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 451, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene accepting the provisions of an act of the United States Congress approved December 23, 1921, as amended by the Sixty-ninth Congress by an act approved January 22, 1927, and entitled 'An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes,' commonly known as the 'Sheppard-Towner Act'; providing that the work shall be carried on through the State Board of Health, through its Bureau of Child Hygiene, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.



**House Bills Read and Referred.**

H. B. No. 226, referred to Committee on Educational Affairs.

H. B. No. 303, referred to Committee on Privileges and Elections.

H. B. No. 473, referred to Committee on State Affairs.

H. B. No. 451, referred to Committee on State Affairs.

**Senate Bill No. 409.**

On motion of Senator McFarlane, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 409, A bill to be entitled "An Act to amend Article 4401 and 4403 of the Revised Civil Statutes of Texas by providing that the Attorney General shall be authorized and required to attend sales of property under deeds of trust, to bid on and buy in and sell said property."

The bill was read second time and passed to engrossment.

**Senate Bill No. 468.**

On motion of Senator Neal, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 468, A bill to be entitled "An Act to create a more efficient road system for Shelby County, Texas; providing that the commissioners' court shall appoint five highway commissioners, one from each commissioners' precinct and one from the county at large; prescribing their powers and duties; providing that all road funds collected within the county may be used by said highway commissioner to maintain and keep in repair the roads within the county; etc., and declaring an emergency."

The bill was passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 468 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Holbrook.
Berkeley.	Lewis.
Bledsoe.	Love.
Bowers.	McFarlane.
Fairchild.	Miller.
Floyd.	Moore.
Greer.	Neal.
Hall.	Parr.
Hardin.	Pollard.

Price.  
Real.  
Reid.  
Russek.  
Smith.  
Stuart.  
Triplett.

Ward.  
Westbrook.  
Wirtz.  
Witt.  
Wood.  
Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—31.

Bailey.  
Berkeley.  
Bledsoe.  
Bowers.  
Fairchild.  
Floyd.  
Greer.  
Hall.  
Hardin.  
Holbrook.  
Lewis.  
Love.  
McFarlane.  
Miller.  
Moore.  
Neal.

Parr.  
Pollard.  
Price.  
Real.  
Reid.  
Russek.  
Smith.  
Stuart.  
Triplett.  
Ward.  
Westbrook.  
Wirtz.  
Witt.  
Wood.  
Woodward.

**Senate Bill No. 478.**

On motion of Senator Smith, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 478, A bill to be entitled "An Act making provision for a district attorney in the Ninetieth Judicial District of Texas and an assistant district attorney in said district etc., and declaring an emergency."

The bill was read second time, committee report adopted, and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 478 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.  
Berkeley.  
Bledsoe.  
Bowers.  
Fairchild.  
Floyd.  
Greer.  
Hall.  
Hardin.  
Holbrook.  
Lewis.  
Love.  
McFarlane.  
Miller.  
Moore.  
Neal.

Parr.  
Pollard.  
Price.  
Real.  
Reid.  
Russek.  
Smith.  
Stuart.  
Triplett.  
Ward.  
Westbrook.  
Wirtz.  
Witt.  
Wood.  
Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

#### Senate Bill No. 470.

On motion of Senator Pollard, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 470, A bill to be entitled "An Act to create Road District No. 1 of Van Zandt County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for the payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the commissioners' court of said county in respect of said Road District, bonds, and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The bill was read second time, committee report adopted and passed to engrossment.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 470 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Fairchild.	Lewis.
Floyd.	Love.

McFarlane.
Miller.
Moore.
Neal.
Parr.
Pollard.
Price.
Real.
Reid.
Russek.

Smith.
Stuart.
Triplett.
Ward.
Westbrook.
Wirtz.
Witt.
Wood.
Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

#### Senate Bill No. 201.

On motion of Senator Pollard, the regular order of business was suspended, and the Senate took up, out of its regular order, the following bill:

S. B. No. 201, A bill to be entitled "An Act to establish a state college in Tyler, Texas, to be known as the Texas Industrial College, providing for its government; the control of its finances; defining its objectives, and describing generally the nature and scope of instruction to be given and conferring upon the board of directors of said college the right of eminent domain and declaring an emergency."

The bill was read second time.

The committee report was adopted.

The bill was passed to engrossment.

#### Senate Bill No. 449.

On motion of Senator Parr, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 449, A bill to be entitled "An Act amending Chapter 25, Section 138 of the General Laws of the Thirty-ninth Legislature of the State of Texas passed at the Regular Session relating to the organization and

government of water control and improvement districts and authorizing said districts to sell surplus water for irrigation purposes for lands other than those included in the district, and to supply certain waters to other districts and for other purposes, removing the restriction as to the period for which sale of water may be made, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 449 put on its third reading and final passage, by the following vote:

Yeas—27.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	

Absent.

Bailey.	Price.
Moore.	Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Present—Not Voting.

Bailey.	
	Absent.
Price.	

#### Senate Bill No. 471.

On motion of Senator Reid, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 471, A bill to be entitled "An Act creating, defining and establishing Road District No. 5 in Briscoe County, Texas, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof; providing that said district shall be authorized to issue bonds or otherwise lend its credit for said purpose to an amount not to exceed one-fourth of the assessed valuation of real property situated therein, and levy, assess and collect general ad valorem taxes in payment thereof; providing that said district shall be governed in the issuance of bonds, lending its credit, constructing and maintaining and operating its roads, and all other matters incident thereto by the provisions of the General Law; and declaring an emergency."

The bill was read second time, committee report adopted and passed to engrossment.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 471 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally, by the following vote:

Yeas—31.

Bailey.	Fairchild.
Berkeley.	Floyd.
Bledsoe.	Greer.
Bowers.	Hall.

Hardin.	Reid.
Holbrook.	Russek.
Lewis.	Smith.
Love.	Stuart.
McFarlane.	Triplett.
Miller.	Ward.
Moore.	Westbrook.
Neal.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Price.	Woodward.
Real.	

**Senate Bill No. 476.**

On motion of Senator Reid, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 476, A bill to be entitled "An Act changing the times of holding the terms of the district court in the Sixty-ninth Judicial District of Texas, enacting necessary provisions in reference to process, writs, bonds, recognizances and in reference to grand and petit jurors, etc., and declaring an emergency."

The bill was read second time, committee report adopted and passed to engrossment.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 476 put on its third reading and final passage, by the following vote:

**Yeas—31.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally, by the following vote:

**Yeas—31.**

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Fairchild.	Lewis.
Floyd.	Love.

McFarlane.	Smith.
Miller.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Pollard.	Wirtz.
Price.	Witt.
Real.	Wood.
Reid.	Woodward.
Russek.	

**Senate Bill No. 477.**

On motion of Senator Wirtz, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 477, A bill to be entitled "An Act creating a special road law for Caldwell County, Texas, requiring surety bonds of road overseers; containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1927; setting for the the method of said operation and declaring an emergency."

The bill was read second time, committee report adopted and passed to engrossment.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 477 put on its third reading and final passage, by the following vote:

**Yeas—31.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

The bill was read third time and passed finally, by the following vote:

**Yeas—31.**

Bailey.	Hall.
Berkeley.	Hardin.
Bledsoe.	Holbrook.
Bowers.	Lewis.
Fairchild.	Love.
Floyd.	McFarlane.
Greer.	Miller.

Moore.	Stuart.
Neal.	Triplett.
Parr.	Westbrook.
Pollard.	Wirtz.
Price.	Wood.
Real.	Ward.
Reid.	Witt.
Russek.	Woodward.
Smith.	

**Senate Bill No. 435.**

On motion of Senator Smith, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 435, A bill to be entitled "An Act to validate the sale of lot nine, in Block Six, town of Snyder, Scurry County, Texas, as shown by plat of said town on Deed Records of Scurry County, Texas, which sale was made by R. J. Nesbitt, County Judge, to R. F. Powell, September 15, 1884; and to vest fee simple title in R. F. Powell, his heirs and assigns; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 435 put on its third reading and final passage, by the following vote:

**Yeas—31.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Price.
Moore.	Woodward.
Neal.	

The bill was read third time and passed, finally, by the following vote:

**Yeas—31.**

Bailey.	Hall.
Berkeley.	Hardin.
Bledsoe.	Holbrook.
Bowers.	Lewis.
Fairchild.	Love.
Floyd.	McFarlane.
Greer.	Miller.

Moore.	Stuart.
Neal.	Triplett.
Parr.	Ward.
Pollard.	Westbrook.
Price.	Wirtz.
Real.	Witt.
Reid.	Wood.
Russek.	Woodward.
Smith.	

**Senate Concurrent Resolution No. 31.**

On motion of Senator Neal, the Senate voted to concur in the House amendments to S. C. R. No. 31.

Following is the amendment.

Whereas, the Thirty-ninth Legislature in the regular term of January, 1925, did authorize the adoption of a State song for the State of Texas, and did name a committee of seven members, three from the Senate and four from the House to make a selection of the same; and,

Whereas, said songs with the music therefor were submitted in great numbers and all were eliminated but six; and,

Whereas, this committee reported on March 18, 1925, and recommended that one song out of the six be selected at the following session of the Legislature

Therefore Be It Resolved; that the Fortieth Legislature do carry out the expressed wishes of this committee and proceed toward adopting a State song by empowering a joint committee of seven, four from the House and three from the Senate to select one from these six or take such other action by reopening the subject of selecting a State song as to them may seem best and to recommend the same to the Legislature for adoption, the same to be hereafter known as the adopted song for the State of Texas.

**Senate Joint Resolution No. 25.**

Senator Love called up from the table the following resolution:

S. J. R. No. 25, A Senate Joint Resolution "Proposing an amendment to the State Constitution so as to authorize the submission to the people of constitutional amendments at Special Sessions of the Legislature."

The resolution was read and passed to engrossment.

**House Joint Resolution No. 14.**

Senator Bledsoe moved to reconsider the vote by which the Senate refused to pass finally H. J. R. No.

14 and spread the motion on the Journal.

**Simple Resolution No. 85.**

Senator Bledsoe received unanimous consent to send up the following resolution:

I move that H. J. R. No. 14 be returned to the Senate from the House for further consideration.

The resolution was read and adopted.

**Senate Bill No. 246.**

On motion of Senator Stuart, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 246, A bill to be entitled "An Act amending Article 789, of the Penal Code of the State of Texas, 1925, so as to increase the present speed limit of thirty-five miles per hour on motor or other vehicles on the public highways of Texas."

The bill was read second time.

The favorable majority report was adopted.

Senator Stuart sent up the following amendment:

Amend Senate Bill No. 246, by striking out the word "fifty" in line 17, and inserting in lieu thereof the word "forty-five."

The amendment was read and lost by the following vote:

**Yeas—10.**

Greer.	Russek.
Hall.	Stuart.
Miller.	Triplett.
Moore.	Wirtz.
Parr.	Witt.

**Nays—14.**

Berkeley.	Neal.
Bledsoe.	Pollard.
Bowers.	Reid.
Hardin.	Smith.
Lewis.	Ward.
Love.	Wood.
McFarlane.	Woodward.

**Present—Not Voting.**

Floyd.

**Absent.**

Bailey.	Price.
Fairchild.	Real.
Holbrook.	Westbrook.

The bill was passed to engrossment.

The constitutional rule failed to be suspended by the following vote:

**Yeas—19.**

Bailey.	Parr.
Berkeley.	Pollard.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Ward.
Holbrook.	Wirtz.
Love.	Witt.
Miller.	Wood.
Moore.	

**Nays—8.**

Bledsoe.	Neal.
Bowers.	Reid.
Lewis.	Triplett.
McFarlane.	Woodward.

**Absent.**

Fairchild.	Real.
Price.	Westbrook.

**Senate Bill No. 436.**

On motion of Senator Witt, the regular order of business was suspended, and the Senate took up, out of its regular order, the following bill:

S. B. No. 436, A bill to be entitled "An Act to amend Article 955 of the Revised Criminal Statutes of 1925 prohibiting the sale of fish taken from fresh water streams of certain named counties, and also providing means and methods of taking and possessing fish from fresh water streams in said counties by omitting name of the County of Milam from said list of counties, and declaring an emergency."

The bill was read second time, committee report adopted and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 436 put on its third reading and final passage, by the following vote:

**Yeas—31.**

Bailey.	Miller.
Berkeley.	Moore.
Bledsoe.	Neal.
Bowers.	Parr.
Fairchild.	Pollard.
Floyd.	Price.
Greer.	Real.
Hall.	Reid.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.

Westbrook.  
Wirtz.  
Witt.

Wood.  
Woodward.

The bill was read third time and passed finally.

#### Senate Joint Resolution No. 33.

On motion of Senator Hall, the regular order of business was suspended, and the Senate took up, out of its order, the following resolution:

S. J. R. No. 33, A joint resolution "Proposing an amendment to the constitution of the State of Texas removing from the Constitution all limitations as to the amount of compensation and expenses of said officers to be as provided by law, and fixing the compensation of the Governor, and providing that said amendment shall be effective on and after January 1, 1929, and not sooner.

The resolution was read.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The resolution passed finally by the following vote:

#### Yeas—24.

Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

#### Absent.

Bailey.	Real.
Fairchild.	Westbrook.
Holbrook.	Wirtz.
Price.	

#### Message from the Governor.

The Chair recognized the doorkeeper who introduced a messenger from the Governor with the following message:

Executive Department,

Austin, Texas, March 10, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice

and consent, I desire to appoint the following named persons to the following offices, respectively:

To be members of the State Board of Health:

Dr. J. C. Anderson, Plainview, Hale County; Dr. J. C. Thomas, Austin, Travis County; Dr. A. A. Ross, Lockhart, Caldwell County; Dr. W. A. King, San Antonio, Bexar County; Dr. E. W. Wright, Bowie, Montague County; Dr. C. M. Rosser, Dallas, Dallas County; Dr. J. M. Frazier, Belton, Bell County.

To be members of the Penitentiary Supervisory Board:

Mrs. J. E. King of Bexar County; Dr. J. T. Harrington of McLennan County.

To be members of the Board of Public Accountancy:

Mr. C. E. Smith of Wichita County; Mr. C. B. Neville of Bexar County.

To be members of the Texas Historical Board:

Mr. Tom L. McCullough of Dallas County; Mr. A. A. Amundsen, Jr., of Galveston County.

To be members of the Fannin State Park Board, Goliad County:

Mr. Wallace E. Fowler of Goliad County; Mr. J. G. Swichheimer of Goliad County; Mrs. Ada Pettus McFadden of Victoria County.

Respectfully submitted,

DAN MOODY,

Governor of Texas.

Executive Department,

Austin, Texas, March 10, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent I desire to appoint the following named persons to be notaries public of the counties respectively listed below. These are presented for appointment under authority of Senate Bill No. 29 of the Fortieth Legislature:

Cameron County.

C. R. Steward, Harlingen, Texas.

Red River County.

J. C. Bryan, Avery, Texas; W. N. Martin, Detroit, Texas; George Morrison, Clarksville, Texas; Tom Tipping, Clarksville, Texas; T. J. Whipple, Clarksville, Texas; Mrs. Pete Wilkerson, Fulbright, Texas; J. B. Pope, Annona, Texas.

Hopkins County.

Jack Callan, Cumby, Texas; Rubby Rippey, Sulphur Springs, Texas,

Luther Shoffil, Sulphur Springs, Texas.

Franklin County.

G. M. Patterson, Mt. Vernon, Texas.

Montague County.

True Strong, Nocona, Texas.

Lubbock County.

Chas. B. Metcalfe, Lubbock, Texas.

Grayson County.

W. C. Gormley, Sherman, Texas.

Cooke County.

James E. Dayton, Gainesville, Texas; C. P. Midkiff, Gainesville, Texas; J. H. Riley, Pilot Point, Texas; T. A. Hagans, Gainesville, Texas.

Respectfully submitted,

DAN MOODY,  
Governor of Texas.

#### Senate Bill No. 304.

On motion of Senator Hall, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 304, A bill to be entitled "An Act to authorize the creation of corporations in this State under the General Corporatoin Laws for the purpose of owning, raising, selling and leasing animals used in circuses, menageries and zoos, and to buy, lease, own, build, construct, repair and sell wagons, chariots, harnesses, cages and other equipment necessary to and used in the operation of raising and handling animals used in circuses, menageries and zoos, and to own and lease buildings and lands necessary for the raising of such animals and the manufacture of such equipments, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 304 put on its third reading and final passage, by the following vote:

Yeas—31.

Bailey.	Hall.
Berkeley.	Hardin.
Bledsoe.	Holbrook.
Bowers.	Lewis.
Fairchild.	Love.
Floyd.	McFarlane.
Greer.	Miller.

Moore.  
Neal.  
Parr.  
Pollard.  
Price.  
Real.  
Reid.  
Russek.  
Smith.

Stuart.  
Triplett.  
Ward.  
Westbrook.  
Wirtz.  
Witt.  
Wood.  
Woodward.

The bill was read third time and passed finally.

#### Senate Bill No. 441.

On motion of Senator Floyd the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 441, A bill to be entitled "An Act fixing the maximum fees and excess fees that may be retained by the county attorney of any county having a population of as many as 25,000 and not more than 37,500, in which county there is no city containing over 25,000 inhabitants and such county attorney performs the duties of a district attorney provided by law to perform such duties and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The bill was passed to engrossment.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 441 put on its third reading and final passage, by the following vote:

Yeas—27.

Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bailey.	Moore.
Holbrook.	Price.

The bill was read third time and passed finally, by the following vote:



## Yeas—22.

Berkeley.	Reid.
Bowers.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Neal.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Real.	Woodward.

## Absent.

Bailey.	Lewis.
Bledsoe.	Miller.
Fairchild.	Moore.
Hardin.	Price.
Holbrook.	

## Senate Bill No. 409.

Senator McFarlane moved to reconsider the vote by which S. B. No. 409 was engrossed.

The motion prevailed.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 409 by adding Section 2, as follows:

"Sec. 2. The fact that the State of Texas owns certain land by virtue of Deed of Trust sale and does not have power, and that there is now no law providing a manner of sale of certain land, creates an emergency and an imperative necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House."

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 409 was put on its third reading and final passage, by the following vote:

## Yeas—21.

Berkeley.	Parr.
Bowers.	Pollard.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Lewis.	Stuart.
Love.	Ward.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

## Absent.

Bailey.	Price.
Bledsoe.	Russek.
Fairchild.	Triplett.
Hardin.	Westbrook.
Holbrook.	Wirtz.

The bill was read third time and passed finally.

## Senate Bill No. 467.

On motion of Senator Witt, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 467, A bill to be entitled "An Act validating school districts heretofore created under General Laws Local or Special Acts, validating proceeding in connection with information of such districts of relative to bonds thereof; validating bonds issued thereby, and declaring an emergency."

The bill was read second time, committee report adopted, and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 467 was put on its third reading and final passage, by the following vote:

## Yeas—25.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Lewis.	Ward.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

## Absent.

Hardin.	Russek.
Holbrook.	Westbrook.
Price.	Wirtz.

The bill was read third time and passed finally.

## Senate Bill No. 448.

On motion of Senator Parr, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 448, A bill to be entitled "An Act validating the bonds of Cameron County Water Improvement District Number Five, in Cameron County, Texas, in the sum of six hundred thousand dollars, authorized by an election held in said district on the 21st day of December, A. D. 1926, and validating all the acts done and performed by the board of directors and officers, attorneys, agents, servants and employees of said district, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 448 was put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Smith.
Floyd.	Stuart.
Greer.	Triplett.
Hall.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Hardin.	Price.
Holbrook.	Russek.

The bill was read third time and passed finally.

#### House Bill No. 370.

On motion of Senator Stuart, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

H. B. No. 370, A bill to be entitled "An Act defining insurance agents for the purposes of this Act, providing for the licensing of such agents; forbidding engaging in the business of insurance, as defined in this Act, without a license; providing and prescribing who may be licensed; forbidding overinsurance; forbidding discrimination; forbidding rebating; giving authority to the Commissioner of Insurance to grant licenses, and

to revoke licenses; authorizing the Commissioner to make or have made examinations, and to call for facts under oath; providing penalties for violation of this Act; giving parties, and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was adopted.

Senator Stuart sent up the following amendment:

#### Committee Amendment No. 4.

Amend H. B. No. 370, Section 2, by substituting a comma for a period after the word "insurance," and add the following: "nor to reciprocal insurers."

The amendment was read and adopted.

Senator Stuart sent up the following amendment:

#### Committee Amendment No. 5.

Amend H. B. No. 370, Section 4, line 6, of the engrossed bill by adding after the words "bona fide" the following: "although not necessarily exclusive."

The amendment was read and adopted.

#### Committee on S. C. R. No. 31.

The Chair appointed the following committee on S. C. R. No. 31.

Senators McFarlane, Neal, Greer.

#### Point of Order of No Quorum.

Senator Pollard made the point of order of no quorum.

The Chair directed the Secretary to call the roll.

The following were present:

Berkeley.	Parr.
Bowers.	Real.
Greer.	Reid.
Floyd.	Smith.
Lewis.	Stuart.
Love.	Ward.
McFarlane.	Witt.
Miller.	Wood.
Neal.	

Absent.

Bailey.	Pollard.
Bledsoe.	Price.
Fairchild.	Russek.
Hall.	Triplett.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Moore.	Woodward.

The Chair announced no quorum.

**Adjournment.**

On motion of Senator Wood, the Senate adjourned at 6:30 o'clock p. m., until 10:00 o'clock a. m., Friday.

**APPENDIX.****Petitions and Memorials.**

Bony Cigar Company  
Perlstein Building  
Beaumont, Texas,  
March 9, 1927.

Mr. Tom Love,  
Austin, Texas.

Dear Sir:

Your remarks in the Senate yesterday was a reflection on the Tobacco Trade as well as myself and as I expect, on perusal of this letter, as a gentleman, you will ask under personal privilege on the floor of the Senate state that you know now that the wires are paid by the individuals who sent them. Now for your information:

Attached wire is one of the many received almost daily from the Tobacco Merchants Association of the United States, composed of the entire tobacco trade and supported by it. On receipt of same I call up everybody in Beaumont to wire and everybody does so and pays for it.

You may call it lobbying, would not you do it yourself when you see a bunch of law makers take your bread and butter away from you and turn it over to mail order houses of other states?

You are a fighter, show me that you will consider this bill an unjust taxation, stand up for fair and square dealings and don't single my business out to humor some fanatics.

Six millions revenue—it is a joke—you will not collect one million but five millions will be sent in from other states.

Yours truly,  
GODFREY F. BONY,  
Proprietor, Bony Cigar Co.

(Telegram.)

New York, N. Y.,  
March 9, 1927.

Godfrey F. Bony,  
Bony Cigar Co., Perlstein Bldg.,  
Beaumont, Texas.

Tobacco tax measure likely to pass House today, but there is still every opportunity to defeat it in Senate.

We urge you to redouble efforts and see that protests in large numbers are immediately wired to Senators pointing out disastrous effect such tax would have upon the cigar and cigaret and tobacco business.

To save your business from this destructive tax and from going to mail order houses in other states we urge that you immediately phone all dealers and trade organizations you can reach urging them to wire protests at once to their Senators and get others to do likewise.

Tobacco Merchants Association,  
of the United States.

**Committee on Enrolled Bills.**

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 270 carefully examined and compared, and find the same correctly enrolled and have this day at 10:35 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 24 carefully examined and compared, and find the same correctly enrolled and have this day at 10:35 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 315 carefully examined and compared, and find the same correctly enrolled and have this day at 11:00 o'clock a. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 482

carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 449 carefully examined and compared, and find the same correctly engrossed.

WITT, Vice-Chairman.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 478 carefully examined and compared, and find the same correctly engrossed.

WITT, Vice-Chairman.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 484 carefully examined and compared, and find the same correctly engrossed.

WITT, Vice-Chairman.

#### Committee Reports.

(Majority Report.)

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 97, A bill to be entitled "An Act to regulate practice in the district and county courts, requiring litigants to furnish the clerk of court duplicate originals of all pleadings and all other papers filed in the cause during its progress or incident to appeal or writ of error; making it the duty of the clerk to keep an active and a dormant file in each cause; prescribing what the record shall contain on appeal or writ of error, directing how it shall be prepared and authenticated, and fixing fees allowed the clerk for services."

Have had the same under consideration, and I am instructed to re-

port same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 97, A bill to be entitled "An Act to regulate practice in the district and county courts, requiring litigants to furnish the clerk of court duplicate originals of all pleadings and all other papers filed in the cause during its progress or incident to appeal or writ of error; making it the duty of the clerk to keep an active and a dormant file in each cause; prescribing what the record shall contain on appeal or writ of error, directing how it shall be prepared and authenticated, and fixing fees allowed the clerk for services."

Have had the same under consideration, and beg to differ with a majority of the committee and report same back to the Senate with the recommendation that it do pass.

LOVE,  
McFARLANE,  
WARD.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 482, A bill to be entitled "An Act to make an appropriation of the sum of twenty-five thousand dollars (\$25,000.00), or so much thereof as may be necessary, payable out of the general revenue of the State of Texas, not otherwise appropriated, to supplement an appropriation heretofore made, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Fortieth Legislature of the State of Texas, and to pay the contingent expenses of the Regular Session of the Fortieth Legislature of the State of Texas, and providing for the approval of accounts, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port same back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 527, A bill to be entitled "An Act to amend Article 288 of the Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, so as to make it lawful to teach the Spanish language in the elementary grades in public free schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of five thousand inhabitants, or more, according to the United States census of 1920, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

By McGill, et al H. B. No. 527

#### A BILL

#### To Be Entitled

An Act to amend Article 288 of the Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, so as to make it lawful to teach the Spanish language in the elementary grades in the public free schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of five thousand inhabitants, or more, according to the United States census of 1920, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 288 of the Penal Code of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature, 1925, be and the same is hereby amended so as to read as follows:

"Article 288. Except as herein provided, each teacher, principal and superintendent employed in the public free schools of this State shall

use the English language exclusively in the conduct of the work of the schools and recitations and exercises of the school shall be conducted in the English language, and the trustees shall not prescribe any texts for elementary grades not printed in English; provided, however, that it shall be lawful to provide text books for and to teach the Spanish language in elementary grades in the public free schools in counties bordering on the boundary line between the United States and the Republic of Mexico and having a city or cities of five thousand or more inhabitants according to the United States census for the year 1920. It is lawful to teach Latin, Greek, French, German, Spanish, Bohemian or other language as a branch of study in the high school grades as outlined in the State course of study. Any such teacher, principal, superintendent, trustee, or other school official having responsibility in the conduct of the work of such schools who fails to comply with the provisions of this article shall be fined not less than twenty-five nor more than one hundred dollars, cancellation of certificate or removal from office, or both fine and such cancellation or fine and removal from office.

Sec. 2. The fact that under the present law it is unlawful to teach Spanish in the elementary grades in the public free schools of this State and that in counties having cities of over five thousand population bordering on the boundary line between the United States and the Republic of Mexico, a knowledge of the Spanish language is of inestimable value, to the citizens and inhabitants of such counties and cities, and the fact that in order to obtain a speaking knowledge and mastery of any foreign language, it is imperative that instruction in such language be begun at the earliest possible period and the crowded condition of the calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 497, A bill to be entitled "An Act directing the State Board of Education to make an apportionment of funds according to scholastic census of certain school districts; providing the method of taking the census; making an appropriation therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

By Gray

H. B. No. 497

A BILL  
To Be Entitled

An Act directing the State Board of Education to make an apportionment of funds according to scholastic census of certain school districts, providing the method of taking the census, making an appropriation therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That in each instance where the county superintendent of a county officially informs the State Superintendent of Public Instruction that there is a school district within said county which, at the time this law becomes effective, contains a population of more than 100 per cent in excess of the scholastic population of the same territory as ascertained by the last preceding scholastic census, whether said district was then so incorporated or not, then in that event it shall be the duty of the Superintendent of Public Instruction to ascertain, through such means as he may deem expedient to employ, the scholastic population of such district, and to ascertain the excess of such population over the scholastic population as existed in the same territory by the last preceding scholastic census, and to certify a statement of such excess of scholastic population to the State Board of Education; provided that the one hundred per cent or more increase herein provided for shall mean that such increase shall be over the next preceding year.

Sec. 2. It shall be the duty of the State Board of Education to make an apportionment for the benefit of such district, for the current scholastic year of 1926 and 1927, in the same per capita amount as has heretofore been made available for the several cities, towns and school districts of the State, provided, however, to the extent that said district has already received scholastic apportionment and is actually receiving funds of the State under the general apportionment no additional payments shall be made under the provisions hereof.

Sec. 3. Thereupon it shall be the duty of the Secretary of the State Board of Education to certify to the treasurer of such district the total amount of funds so apportioned to such district, which certificate shall be signed by the president, countersigned by the Comptroller and attested by the secretary.

Sec. 4. The funds made available by this Act shall be paid to such district qualifying hereunder in the same manner as set forth in Article 2663, R. S. of Texas, 1925 edition, except that the proportion of said money already delivered to and remitted to other cities, towns and districts for the current scholastic year shall be paid immediately to such district in one payment, the remaining payments to be made as provided in said article; provided that the sum herein appropriated shall be used exclusively to lengthen the school term, and shall not be applied to increase the salaries of teachers employed prior to January 1, 1927.

Sec. 5. The sum of thirty thousand dollars (\$30,000) or so much thereof as may be necessary is hereby appropriated out of the general fund of the State for the purposes set forth in this Act.

Sec. 6. The fact that certain territory in the State has experienced unprecedented growth since the 1926 scholastic census was taken with consequent unprecedented growth in scholastic population and the duty which the State recognizes to provide for said children equal opportunities for free education, creates an emergency and an imperative public necessity, demanding the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this Act shall take effect and be in

force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 400, A bill to be entitled "An Act to amend Articles 4102, 4111 and 4123 of the Revised Civil Statutes of Texas, so as to provide for the appointment of a guardian for a person where it is necessary that a guardian be appointed to receive funds or money due such person from the Federal government, providing for fixing the venue where such appointment may be made, providing that the court must be satisfied that the applicant is a person for whom it is necessary to have a guardian appointed to receive funds or money due such person from the Federal government, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Journal.

BAILEY, Chairman.

By Purl H. B. No. 400

A BILL  
To Be Entitled

An Act to amend Articles 4102, 4111 and 4123, of the Revised Statutes of Texas, so as to provide for the appointment of a guardian for a person where it is necessary that a guardian be appointed to receive funds or money due such person from the Federal government; providing for fixing the venue where such appointment may be made; providing the court must be satisfied that the applicant is a person for whom it is necessary to have a guardian appointed to receive funds or money due such person from the Federal government, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4102, of the Revised Statutes of 1925, of the State of Texas, be amended so as to hereafter read as follows:

"Article 4102. The county court shall appoint guardians of minors, persons of unsound mind and habitual drunkards, and other persons where it is necessary that a guard-

ian be appointed to receive funds or money due such persons from the Federal government, settle accounts of guardians, and transact all business appertaining to the estates of minors, persons of unsound mind, habitual drunkards, and other persons for whom a guardian is appointed."

Sec. 2. That Article 4111, of the Revised Statutes of 1925, of the State of Texas, be amended by adding thereto a new provision number 5, which provision shall read as follows:

"5. For the estate of a person requiring the appointment of a guardian to receive funds or money from the Federal government, in the county where such person resides."

Sec. 3. That subdivision 1, of Article 4123, of the Revised Statutes of 1925, of the State of Texas, be amended so as to hereafter read as follows:

"1. That the person for whom a guardian is sought to be appointed is either a minor, a person of unsound mind, an habitual drunkard, or a person for whom it is necessary to have a guardian appointed to receive funds or money due such person from the Federal government."

Sec. 4. The importance of this measure, the fact that many disabled ex-service men of the World War who are not insane, but are suffering from a complication of nervous disorders, are entitled to receive compensation from the Federal government, by reason of disability incurred in the service of their country during the World War, and are prevented from receiving such compensation because the Federal government will not pay the same unless a guardian be appointed; thus forcing such veterans to be declared of unsound mind and to undergo the humiliation incident thereto, creates an emergency, and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 326, A bill to be entitled "An Act for the better enforcement of laws relating to registration of motor vehicles and motorcycles; for the control of vehicles operated on State highways and the protection of the public safety; for the better supervision of vehicles using the State Highways; for the establishment of a State Patrol System, such patrolmen to wear a badge and uniform and describing such badge and uniform; providing the State Highway Commission shall, in its discretion, provide the areas in which such officers shall operate, but an arrest made in any part of this State by any such officer shall be valid, whether made in the area to which he has been assigned by the Commission, or not, providing that no arrest shall be made by such patrolman or other officers by lying in wait for the purpose of trapping drivers of vehicles on the highways suspected of violation of speed restrictions; providing venue of all prosecutions of violations hereunder; providing that no fees shall be paid any officer making an arrest in violation of the provisions of the law; and providing for the dismissal of prosecutions in any case wherein it may be shown that the arrest was made by designedly remaining in hiding, or lying in wait unobserved, in order to trap those suspected of violating the speed laws, and making other provisions incidental to the main purpose of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the following committee amendment and be not printed but printed in the Journal.

Committee Amendment No. 1.

Amend H. B. No. 326, Section 3, page 3, line 1, by striking out the remainder of the sentence as follows: "unless such officer has been designated to make such arrests by the commissioners' court of such county."

FLOYD, Chairman.

By Williamson, et al H. B. No. 326

A BILL

To Be Entitled

"An Act for the better enforcement of laws relating to registration of

motor vehicles and motorcycles; for the control of vehicles operated on State highways and the protection of the public safety; for the better supervision of vehicles using the State highways; for the establishment of a State Patrol system, such patrolmen to wear a badge and uniform and describing such badge and uniform; providing the State Highway Commission shall, in its discretion, provide the areas in which such officers shall operate, but an arrest made in any part of the State by any such officer shall be valid, whether made in the area to which he has been assigned by the Commission, or not. Providing that no arrest shall be made by such patrolmen or other officers by lying in wait for the purpose of trapping drivers of vehicles on the highways suspected of violation of speed restrictions; providing venue of all prosecutions of violations hereunder; providing that no fees shall be paid any officer making an arrest in violation of the provisions of the law; and providing for the dismissal of prosecutions in any case wherein it may be shown that the arrest was made by designedly remaining in hiding, or lying in wait unobserved, in order to trap those suspected of violating the speed laws, and making other provisions incidental to the main purpose of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. The State Highway Commission is hereby authorized, and it shall be its duty to employ not more than forty (40) State patrol officers whose duty it shall be to patrol the public highways, and enforce the laws of this State relating to the speed, licensing, head light regulation, registration, operation and use of motor vehicles and motorcycles; and may assign such officers to duty wherever their services are required for the enforcement of the law for the registration of motor vehicles or their operation on the highways. Such officers shall have authority to make arrests with or without warrant for any violation of any such law committed in the presence and view of any such officer. Each such officer shall make tests to ascertain whether vehicles are being over-



loaded contrary to law, and used in an overloaded condition on the public highways, and shall have authority to unload any vehicle being used in his presence and view where the same is unlawfully overloaded until such vehicle shall bear no more than a lawful load.

Sec. 2. Such patrol officers shall be paid such salary as the Legislature may determine, to be paid monthly, and shall be furnished proper equipment, actual operating expenses and hotel bills when away from home, uniforms and supplies, all such salaries and the cost of such equipment and supplies to be paid from the State highway fund.

Sec. 3. No such officer shall have authority to make any such arrest unless he is at the time of such arrest wearing a uniform and a badge clearly distinguishing him from ordinary civilians or private citizens, and shall have no authority to make any such arrest by designedly remaining in hiding or lying in wait unobserved in order to trap those suspected of violating the speed laws. No such officer, and no sheriff, constable, marshal, policeman, traffic officer, or other officer shall be entitled to any fee for making an arrest or serving a warrant of arrest or claim, demand or receive any witness fee or commitment fee for an alleged violation of any law of this State relative to speeding unless such officer has been designated to make such arrests by the commissioners' court of such county. It shall be the duty of the district or county attorney, as the case may be, to dismiss any and all prosecutions wherein it is shown that the arrest was made by designedly remaining in hiding or lying in wait unobserved in order to trap those suspected of violating the speed law, and this provision shall apply to such conduct by any highway officer, sheriff, deputy sheriff, constable, marshal, policeman or any other officer of this State, or political subdivision thereof. The venue of any prosecution for speeding under authority of this Act shall be in the Justice Precinct only wherein the offense was committed or in the precinct of the defendant's residence. The badge herein required to be worn by any officer making an arrest shall be diamond-shaped, and the uniform prescribed to be worn by such officer

or officers shall consist of a cap, coat and trousers of dark grey color.

Sec. 4. All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 5. If any part of this Act shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not effect, impair, or invalidate the remaining portions of this Act.

Sec. 5a. The Highway Commission is hereby authorized and it shall be its duty to designate the specific areas which shall be allotted to individual officers, but an arrest made by any State patrol officer shall be valid, whether made within the area allotted to him by the Highway Commission, or not.

Sec. 6. The importance of this Act, and the fact that there is a great need for the protection of the public from violators of the laws in reference to the use of motor vehicles on the public highways, and at the same time protection from officers who are setting speed traps and otherwise abusing their authority creates an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 212, A bill to be entitled "An Act to amend Article 6686 and 6688 of the Revised Civil Statutes of 1925, which articles provide for the manner of registering motor vehicles by manufacturers or dealers, the issuance of distinctive license plates to such dealers and manufacturers and which amendments provide for the filing with the registration officer by every dealer affidavit of occupation as dealer, indicating make of motor vehicles sold; providing motor vehicles and motorcycles shall be registered in the county of residence of owner or of main place of business providing for two number plates, marked "Front" and "Rear"; providing that every dealer or manufacturer shall transmit notice of every

sale of motor vehicle to the Highway Department, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed, but printed in the Journal.

FLOYD, Chairman.

By Williamson, H. B. No. 212  
Tillotson and Fly.

A BILL  
To Be Entitled

AN Act to amend Article 6686 and 6688 of the Revised Civil Statutes of 1925, which articles provide for the manner of registering motor vehicles by manufacturers or dealers, the issuance of distinctive license plates to such dealers and manufacturers; and which amendments provide for the filing with the registration officer by every dealer affidavit of occupation as dealer, indicating make of motor vehicle sold; providing motor vehicles and motorcycles shall be registered in the county of residence of owner or of main place of business; providing for two number plates, marked "Front" and "Rear"; providing that every dealer or manufacturer shall transmit notice of every sale of motor vehicle to the Highway Department, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Articles 6686 and 6688 of the Revised Civil Statutes of 1925 are hereby amended to hereafter read as follows:

"Article 6686. (a). Any manufacturer or dealer in motor vehicles in this State, may, instead of registering each vehicle he may wish to show or demonstrate on the public highways, apply for registration and secure a general distinguishing number which may be attached to any motor vehicle or motorcycle which he sends temporarily upon the road. The annual fee for such dealer's registration of a general distinguishing number shall be \$15.00, and additional number plates bearing said number desired by any dealer shall be assigned and registered for a fee of \$5.00 each. A dealer within the meaning of this article means any person, firm or corporation engaged in the business of selling automobiles

who runs them upon the public highways or streets for demonstration for the purpose of sale; and this Act shall not be construed as permitting the use of a dealer's license or number plate on any vehicle owned or used by such dealer for any other purpose than demonstration for the purpose of sale. Every dealer in making application for a dealer's license shall apply for same in writing on a form prescribed and provided by the State Highway Commission. The application shall state that the applicant is a dealer within the meaning of this Act, and if he holds a contract with an automobile manufacturer or distributor for the distribution or sale of motor vehicles or motorcycles he shall so state in the application, giving make of vehicle he handles and name of such manufacturer or distributor. The facts stated in such application shall be sworn to before an officer authorized to administer oaths. No dealer's license or number plates shall be issued until this article is complied with.

(b). Each dealer holding a dealer's license may issue temporary card-board numbers using such dealer's number thereon, which may be used by any person or dealer purchasing a vehicle from such dealer until such purchaser has time to register the same at the tax collector's office in the county of the residence of such purchaser.

(c). (Manufacturer to give notice of sale or transfer). Every manufacturer or dealer, upon transferring a motor vehicle, trailer or semi-trailer, whether by sale, lease or otherwise, to any person other than a manufacturer or dealer, shall immediately give written notice of such transfer to the department upon the official form provided by the Department. Every such notice shall contain the date of such transfer, names and addresses of the transferer and transferee and such description of the vehicle as may be called for in such official form.

(d). All registration fees shall be paid to the county in which the owner lives at the time of registration of said motor vehicle.

Article 6688. A pair of license number plates, each bearing the same number, shall be issued for every motor vehicle registered. One of such plates shall have permanent-

ly printed on it the word "Front" and the other the word "Rear," and the plate marked "Front" shall be securely attached to the front and the one marked "Rear" shall be securely attached to the rear of such vehicle; and both such plates shall remain so attached so long as the vehicle is used on the public highways or streets of this State, or until registered under a new number after a renumbering is ordered by the Highway Commission. Such number plates shall be exhibited without obstruction so that the same are visible from the front and rear of the vehicle, respectively; provided that the applicant for registration of motor vehicle shall state under oath the kind of motor vehicle the applicant wishes to register and that said number plates will not be used on any car other than the one stated in the application. The State Highway Commission shall prescribe the form, size and number of all number plates.

Sec. 2. This Act is cumulative of all laws on this subject, and shall not repeal the same except where in conflict herewith.

Sec. 3. The importance of this Act and the fact that the laws of this State in reference to registration of motor vehicles should be corrected in the manner herein provided as soon as possible, create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each House, and that this Act shall take effect from and after its passage, and said rule is hereby suspended and it is so enacted.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 462, A bill to be entitled "An Act authorizing steam or electric railway companies, street railway companies, interurban railway companies or other chartered transportation companies, express companies, sleeping car companies, telegraph companies, telephone companies, or persons or association of persons operating the same, or the receivers or lessees thereof and the officers, agents or employees thereof,

to issue free passes and franks to the members of the State Highway Commission and the State Highway Engineer, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the following committee amendment:

#### Committee Amendment No. 1.

Amend S. B. No. 462 by striking out of the body and the caption of the bill, wherever they appear, the following:

"Street railway companies, interurban railway companies, or other chartered transportation companies, express companies, telegraph companies and telephone companies."

And that the same be printed in the Journal and not otherwise.

WIRTZ, Chairman.

By Woodward

S. B. No. 462

#### A BILL

#### To Be Entitled

An Act authorizing steam or electric railway companies, street railway companies, interurban railway companies or other chartered transportation companies, express companies, sleeping car companies, telegraph companies, telephone companies, or persons or association of persons operating the same, or the receivers or lessees thereof and the officers, agents or employees thereof, to issue free passes and franks to the members of the State Highway Commission and the State Highway engineer, repealing all laws in conflict herewith, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be lawful for and steam or electric railway company, street railway companies, interurban railway companies or other chartered transportation companies, express companies, sleeping car companies, telegraph companies, telephone companies, or persons or association of persons operating the same or the receivers or lessees thereof and the officers, agents or employees thereof, to issue, grant and give to the members of the State Highway Commission and to the State

Highway Engineer, free passes and franks for use by said members of the State Highway Commission and State Highway Engineer.

Sec. 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 3. The fact that under the present law the companies, persons and associations hereinabove named are now prohibited by law from issuing free passes, franks and privileges to the members of the State Highway Commission and the State Highway Engineer and the fact that the members of the Railroad Commission and other heads of the State departments are by law permitted to accept free passes and franks and the fact that it would result in a financial saving to the State and without injury to the State for free passes and franks to be issued to the members of the State Highway Commission and State Highway Engineer, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and that this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 413, A bill to be entitled "An Act to amend Chapter 2, of Title 61, of the Revised Civil Statutes of the State of Texas for 1925, by adding thereto Article 3937A, providing for the refund by tax assessors of money paid to tax assessors for assessments of property that are cancelled or credit secured for same, on account of erroneous assessments, extending the provisions of the assessors' bonds to include the performance of said duty, providing the manner of refunding said money, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

By Wirtz

S. B. No. 413

A BILL  
To Be Entitled

An Act to amend Chapter 2, of Title 61, of the Revised Civil Statutes of the State of Texas for 1925 by adding thereto Article 3937A, providing for the refund by tax assessors of money paid to tax assessors for assessments of property that are cancelled, or credit secured for same, on account of erroneous assessments, extending the provisions of assessors' bonds to include the performans of said duty, providing the manner of refunding said money, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 2, of Title 61, of the Revised Civil Statutes of the State of Texas for 1925, be amended by adding thereto Article 3937A to read as follows:

"Whenever any assessment of property on the tax rolls is cancelled or credit secured for same, on account of an erroneous assessment, the assessor of taxes shall repay to the State of Texas, or to the county, or to any taxing subdivision of a county, the amount of money paid to him by the State or county, or any taxing subdivision of the county, for assessing said property so cancelled or credited on account of an erroneous assessment. The provisions of the assessor's bond shall extend to and include the performance of the duty enjoined by this Act. The refund for the amount due the State by the provisions of this Act shall be made by the assessor to the State Comptroller who shall turn the same into the State Treasury. The refund for the amount due the county or any taxing subdivision of the county shall be made by the assessor to the county treasurer who shall deposit the same to the credit of the fund from which same was paid."

Sec. 2. The fact that many tax assessors are now being paid for erroneous assessments of property creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred

H. B. No. 93, A bill to be entitled  
"An Act to amend Article 1302 of  
the Revised Civil Statutes of the  
State of Texas, 1925, providing ad-  
ditional purposes for which corpora-  
tions may be formed under the laws  
of Texas, under what shall be known  
as Title & Trust Companies, pro-  
viding said corporations may incor-  
porate for one or more of the pur-  
poses stated, and that no corpora-  
tion incorporated including in its  
corporate powers the purposes pro-  
vided in the fourth sub-division of  
this Act with a capital stock of not  
less than fifty thousand dollars."

Have had the same under con-  
sideration, and I am instructed to  
report the same back to the Senate  
with the recommendation that it do  
pass with the following committee  
amendments, and that it be printed  
in the Journal and not otherwise:

Committee Amendment No. 1.

Amend the bill by striking out  
Sub-division 3 of Section 1, and in  
lieu thereof add the following:

"To purchase, sell and deal in  
notes, bonds and securities, but with-  
out banking and discounting priv-  
ileges, provided that the notes, bonds  
and securities so purchased shall be  
the class of securities now provided  
by law for the investment of funds  
of saving banks."

Committee Amendment No. 2.

Amend the bill by striking out in  
Sub-division 4, Section 1, the follow-  
ing:

"Or under the order or appoint-  
ment of any court of record as  
guardian, receiver or trustee, and to  
act as executor under the last will,  
or as administrator of the estate of  
any deceased person, or as guardian  
of any infant, insane person, idiot  
or habitual drunkard, and to act as  
trustee or agent for the performance  
of any lawful act."

WIRTZ, Chairman.

By Montgomery. H. B. No. 93.

A BILL

To Be Entitled

An Act to amend Article 1302 of  
the Revised Civil Statutes of the

State of Texas, 1925, providing ad-  
ditional purposes for which cor-  
porations may be formed under  
the laws of Texas, under what  
shall be known as Title & Trust  
Companies, providing said corpora-  
tions may incorporate for one or  
more of the purposes stated, and  
that no corporation incorporated  
including in its corporate powers  
the purposes provided in the  
fourth sub-division of this Act  
with a capital stock of not less  
than fifty thousand dollars.

Be it enacted by the Legislature of  
the State of Texas:

Section 1. That Article 1302,  
Chapter 1 of Title 32 of the Revised  
Civil Statutes of the State of Texas,  
1925, shall be and the same is here-  
by amended by adding thereto the  
following:

Private corporations may be  
created for, or, after being or hav-  
ing been created, may so amend  
their charter as to include two or  
more of the following purposes,  
namely:

1. To make, compile and own ab-  
stracts of titles to lands, and liens  
of all character on any property, or  
any other abstracts of records in this  
State, or any county thereof, re-  
quired by law;

2. To guarantee titles to lands and  
indemnify the holders thereof  
against losses by reason of defects  
in titles;

3. To accumulate and lend money,  
purchase, sell and deal in notes,  
bonds and securities, but without  
banking and discounting privileges;

4. To act as trustee under any  
lawful express trust committed to  
them by contract or under the order  
or appointment of any court of re-  
cord as guardian, receiver or trustee,  
and to act as executor under the  
last will, or as administrator of the  
estate of any deceased person, or as  
guardian of any infant, insane per-  
son, idiot or habitual drunkard, and  
to act as trustee or agent for the  
performance of any lawful act. Cor-  
porations organized under this sub-  
division will hereafter be known as  
Title & Trust Companies, and are  
hereby authorized and required to  
include in the name of such corpora-  
tion the words "Title & Trust Com-  
pany," by using thereafter the words  
"without banking privileges," pro-  
viding further however that no cor-

poration shall be incorporated including in its corporate powers the purposes provided in the fourth subdivision of this Act with a capital stock of not less than fifty thousand dollars.

Sec. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 3. The fact that there is no adequate law in force providing for the creation of Title & Trust Companies in this State, and the fast growing need of corporations of this character, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each House be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 318, A bill to be entitled "An Act amending Article 705 of Chapter 1, Title 12 of the Penal Code of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature of the State of Texas relating to public health; regulating the manner of examination of employees of persons, firms, corporations, or common carriers, operating or conducting any hotel, cafe, restaurant, dining car or other public eating place, or operating any bakery or meat market, public dairy or candy factory in this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BERKELEY, Chairman.

By Dielman, Kayton, H. B. No. 318.  
et. al.

#### A BILL

#### To Be Entitled

An Act amending Article 705 of Chapter 1, Title 12 of the Penal Code of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature of the State of Texas relating to public health; regulating the manner of examination of employees of per-

sons, firms, corporations, or common, carriers, operating or conducting any hotel, cafe, restaurant, dining car or other public eating place, or operating any bakery or meat market, public dairy or candy factory in this State, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 705 of Chapter 1, Title 12, of the Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, be and the same is amended to read as follows:

"Art. 705. Sanitary employees. No person, firm, corporation or common carrier, operating or conducting any hotel, cafe, restaurant, dining car or other public eating place, or operating any bakery or meat market, public dairy or candy factory in this State, shall work, employ or keep in their employ in or about any said place any person infected with or affected by any infections or contagious disease, or work or employ any person to work in or about any said place who, at the time of his employment had not in his possession a certificate from some reputable physician of the county where said person is to be employed, attesting the fact that the bearer has been examined by such physician within one week prior to the time of employment, and that such examination discloses the fact that such person to be employed was free from any infectious or contagious disease; or fail to institute and have made a medical examination of all their employees at intervals of time not to exceed six months and after such examination promptly discharge from their employment in or about any said place any person found to be infected with or affected by any infectious or contagious disease; provided, that in cities of one hundred thousand inhabitants, and more, in this State, no person, firm, corporation or common carrier, operating or conducting any hotel, cafe, restaurant, dining car or other public eating place, or operating any bakery or meat market, public dairy or candy factory, shall work or employ any person to work in or about any said place, who at the time of his employment had not in his posses-

sion such a certificate as provided for above, which certificate must have plainly and boldly written on its face the approval of the city health officer of said city, and providing further, that in cities of one hundred thousand inhabitants or more, such certificate must further provide a brief description of the examinee placed thereon by the examining physician stating full name and address, race, extraction, sex, height, weight, color and age.

Sec. 2. The fact that the public health in the larger cities is not adequately safeguarded under the present law creates an emergency and a public necessity requiring that the constitutional rule requiring that bills be read on three several days be suspended, and same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 426, A bill to be entitled "An Act to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion, Harrison, Smith and Rusk Counties, State of Texas; and providing penalties for violations; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 162, A bill to be entitled "An Act to amend Chapter 176 of the General Laws of the Thirty-eighth Legislature so as to increase the salary of the judge of the County Court of Dallas County at Law No. 1, and the salary of the Judge of the County Court of Dallas County No. 2, from thirty-six hundred dollars (\$3600.00) per annum to forty-two hundred dollars (\$4200.00) per annum, prescribing the method

of payment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 481, A bill to be entitled "An Act amending Section 3, Chapter 16, General Laws passed by the Thirty-ninth Legislature at its First Called Session, by adding thereto Section 3A, providing that any road district, a portion of which is proposed to be incorporated into a new road district, should embrace the whole or any part of any levee improvement district, drainage district or other improvement district created under any law passed pursuant to Section 52, Article 3 of the Constitution of this State, the territory covered by such other district and other territory adjacent thereto, may be excluded from the district sought to be created, but except as herein specifically permitted, no fractional part of a previously created road district shall be included within the limits of the road district created under the provision of this Act, and such excluded territory shall continue to bear and pay its proper proportion of any existing debt created for the construction of macadamized, gravelled or paved roads and turn-pikes or in aid thereof, but shall not pay any portion of any debt created for said purposes after such territory is excluded from the district; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 32, A Joint Resolution "Proposing an amendment to the State Constitution providing that any bill, resolution, measure or business introduced or initiated at a biennial session of the Legislature shall remain pending business during any session prior to the convening of the next biennial session thereafter, unless the Governor eliminates the same or a portion thereof in his proclamation convening a special session."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STUART,  
MOORE.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 484, A bill to be entitled "An Act to amend Title 67, Chapter 3 of the Revised Civil Statutes of 1925, and to provide that any county, city or town authorized by Title 118 of the Revised Civil Statutes of 1925 to construct, extend, protect, strengthen, maintain, keep in repair, and otherwise improve any seawall or breakwater, levee, dike, floodway, and railway may take any marl, gravel, sand or mudshell from any of the waters, reefs or bars included in Title 67, Chapter 3, Revised Civil Statutes of 1925 for use in any such work without payment therefor by such county, city or town to the Game, Fish and Oyster Commissioner, or to the State of Texas, and providing any emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

H. B. No. 87, A bill to be entitled "An Act enabling cities and incorporated villages to pass zoning regulations, granting full power to said cities and incorporated villages, pro-

viding for the creation of districts, declaring purposes in view, providing for the method of procedure, providing for certain changes, providing for a commission, providing for a board of adjustment, providing for its powers and duties, providing certain methods of enforcement and remedies, providing certain exemptions, providing the method to be followed in case of conflict with other laws, providing for the validity for all parts of the law not declared unconstitutional, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed as S. B. No. 278, on the same subject has already been printed.

LOVE, Chairman.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 441, A bill to be entitled "An Act fixing the maximum fees and excess fees that may be retained by the county attorney of any county having a population of as many as 25,000 and not less than 37,500, in which county there is no city containing over 25,00 inhabitants, and such county attorney performs the duties of a district attorney and where there is no district attorney provided by law to perform such duties; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 33, A Joint Resolution "Proposing an amendment to the Constitution of the State of Texas removing from the Constitution all limitations as to the amount of compensation of officers, the compensation and expenses of said officers to-



be as provided by law, and fixing the compensation of the Governor, and providing that said amendment shall be effective on and after January 1, 1929, and not sooner."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

STUART, Chairman.

Committee Room,  
Austin, Texas, March 10, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 314, A bill to be entitled "An Act to amend Section 19 of Article 8306 of the Revised Civil Statutes of Texas of 1925, relating to compensation for employees hired in Texas but injured outside of Texas, so as to provide that said section shall be amended to read as set forth in this Act and providing that if any section of this Act be held to be invalid, unconstitutional or inoperative, that no other section or part thereof shall be affected thereby, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the committee amendments, and be printed in the Journal.

MOORE, Chairman.

#### Committee Amendment.

Amend H. B. No. 314, Section 1, by adding another paragraph immediately following subdivision "c" of said section, which said paragraph shall read as follows:

"Providing that such injury shall have occurred within one year from the date of the contract of hire between the employer and the injured employee; and provided further that no recovery can be had by the injured employee hereunder in the event he has elected to pursue his remedy and recovers in the courts of the state where such injury occurred."

By McGill et al. H. B. No. 314.

#### A BILL

#### To Be Entitled

An Act to amend Section 19 of Article 8306 of the Revised Civil Statutes of Texas of 1925, relat-

ing to compensation for employees hired in Texas but injured outside of Texas, so as to provide that said section shall be amended to read as set forth in this Act and providing that if any section of this Act be held to be invalid, unconstitutional or inoperative that no other section or part thereof shall be affected thereby, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 19 of Article 8306 of the Revised Civil Statutes of Texas of 1925 be amended so as to read as follows, to-wit:

"If an employee, who has been hired in this State, sustain injury in the course of his employment he shall be entitled to compensation according to the law of this State even though such injury was received outside of the State; and that such employee, though injured out of the State of Texas, shall be entitled to the same rights and remedies as if injured within the State of Texas, except that in such cases of injury outside of Texas, the suit of either the injured employee or his beneficiaries, or of the association, to set aside an award of the Industrial Accident Board of Texas, or to enforce it, as mentioned in Article 8307, Sections 5-5a, shall be brought either

a. In the county of Texas where the contract of hiring was made, or  
b. In the county of Texas where such employee or his beneficiaries or any of them may reside when the suit is brought, or

c. In the county where the employee or the employer resided when the contract of hiring was made, as the one filing such suit may elect.

Sec. 2. That this amendatory Act shall be effective and be deemed and held to be in effect as of March 28th, 1917, that being the effective date of the Act of 1917, Chapter 103, and that every such suit heretofore filed by either party in a court of Texas, having jurisdiction of the amount involved, to set aside an award of the Industrial Accident Board of Texas where the injury occurred outside of Texas, shall be held and deemed to have been properly filed, and the court to have jurisdiction thereof in the cases mentioned in Section 1 hereof where the injury occurred outside of Texas, if

filed in a court of competent jurisdiction as to amount in either of the counties mentioned in Section 1 hereof if the court entertained jurisdiction of such suit; and provided that where any such suit by either party to set aside any such award was dismissed on the ground that the court, because of the injury having occurred outside of Texas, had no jurisdiction thereof then that either party to any proceeding or claim before the Industrial Accident Board of Texas relating to an injury which occurred outside of Texas, shall have six months after this Amendatory Act becomes effective in which to bring suit to set aside any award of said Board heretofore made by it in such cases where the injury occurred outside of Texas, such suit to be brought in the proper county or counties, as mentioned in Section 1 of this Act, but provided further that where neither party to any such award made attempt to set the award aside, that such award shall be deemed and held to be in full force and effect.

Sec. 3. Should any section of this amendatory Act, or any part of any section hereof, be held to be invalid, unconstitutional, or inoperative, no other part or parts thereof shall be held affected thereby and the remaining provisions shall nevertheless stand effective and valid as if this Act had been enacted without such part or parts held to be invalid, unconstitutional or inoperative.

Sec. 4. The fact that there is doubt whether the present Workmen's Compensation Law provides any remedy in the court to either party involved in a claim for compensation where the injury occurred outside of Texas, and the fact that it was the legislative intent that workmen hired in Texas, if injured outside of Texas, should have as full benefit from the law as complete remedies for enforcing such benefits as workmen injured in Texas would have, and the fact that there should be no doubt that such is the law, all create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House, as well as that the constitutional rule respecting the effective date of Acts be suspended, and said rules are hereby suspended, and that this amenda-

tory Act take effect from and after its passage and be effective as of March 28th, 1917, and it is so enacted.

Amend H. B. No. 314, Section 1 by adding another paragraph immediately following subdivision "c" of said section, which said paragraph shall read as follows:

"Provided that such injury shall have occurred within one year from the date of the contract of hire between the employer and the injured employee; and provided further that no recovery can be had by the injured employee hereunder in the event he has elected to pursue his remedy and recovers in the courts of the State where such injury occurred."

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 485, A bill to be entitled "An Act to repeal Article 3107 of Chapter 13 of the Revised Civil Statutes of Texas, and substituting in its place a new Article providing that every political party in this State shall have the power to prescribe the qualifications of its own members and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed in bill form but that it be printed in the Journal.

NEAL, Chairman.

By Lewis

S. B. No. 485

An Act to repeal Article 3107 of Chapter 13 of the Revised Civil Statutes of Texas, and substituting in its place a new article providing that every political party in this State shall have the power to prescribe the qualifications of its own members and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 3107 of Chapter 13 of the Revised Civil Statutes of Texas, be and the same is hereby repealed and a new article is hereby enacted so as to hereafter read as follows:

"Article 3107. Every political party in this State shall have the power to prescribe the qualifications of its own members and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party."

Sec. 2. The fact that the Supreme Court of the United States has just held Article 3107 invalid, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 483, A bill to be entitled "An Act to create Road District No. 7 in Shelby County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district; validating the authorization issuance and sale of certain bonds thereof, dated February 9, 1920, and numbered forty-six to one hundred (46 to 100), inclusive, totalling twenty-seven thousand five hundred dollars (\$27,500), of five hundred dollars each providing for their payment by the annual levy and assessment of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said designated road district bonds, but none others and taxes, or certified copies thereof and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

### THIRTY-NINTH DAY.

Senate Chamber,

Austin, Texas,

Friday, March 11, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Absent.

Witt.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bowers.

### Petitions and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. C. R. No. 32.	S. B. No. 311.
S. B. No. 461.	S. C. R. No. 28.
S. B. No. 447.	H. B. No. 398.
H. J. R. No. 20.	H. B. No. 300.
S. B. No. 25.	H. B. No. 569.
S. B. No. 222.	

### S. C. R. No. 23.

Senator Love called up the following resolution:

Endorsing the stand of the United States Senate in advocating arbitration by the United States of its dispute with the Republic of Mexico, and endorsing the Robinson Resolu-